



January 30, 2004

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## SENATE BILL No. 300

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DIGEST OF SB 300 (Updated January 28, 2004 1:02 pm - DI 106)

**Citations Affected:** IC 5-2.

**Synopsis:** Sex offender registration. Requires persons convicted of possession of child pornography having a prior conviction for possession of child pornography to register as sex offenders.

**Effective:** July 1, 2004.

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**Drozda, Broden**

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January 8, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.  
January 29, 2004, amended, reported favorably — Do Pass.

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SB 300—LS 7213/DI 106+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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## SENATE BILL No. 300

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 5-2-12-4, AS AMENDED BY P.L.116-2002,  
2       SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2004]: Sec. 4. (a) As used in this chapter, "offender" means  
4       a person convicted of any of the following sex and violent offenses:  
5               (1) Rape (IC 35-42-4-1).  
6               (2) Criminal deviate conduct (IC 35-42-4-2).  
7               (3) Child molesting (IC 35-42-4-3).  
8               (4) Child exploitation (IC 35-42-4-4(b)).  
9               (5) Vicarious sexual gratification (IC 35-42-4-5).  
10              (6) Child solicitation (IC 35-42-4-6).  
11              (7) Child seduction (IC 35-42-4-7).  
12              (8) Sexual misconduct with a minor as a Class A, Class B, or  
13              Class C felony (IC 35-42-4-9).  
14              (9) Incest (IC 35-46-1-3).  
15              (10) Sexual battery (IC 35-42-4-8).  
16              (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
17              (18) years of age.

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(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

**(13) Possession of child pornography (IC 35-42-4-4(c)) if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).**

**(14)** An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(12)~~: **(13)**.

~~(14)~~ **(15)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(13)~~: **(14)**.

(b) The term includes a child who has committed a delinquent act and who:

(1) is at least fourteen (14) years of age;

(2) is on probation, is on parole, or is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(3) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

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SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 300.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 3, after "(IC 35-42-4-4(c))" insert "**if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c))**".

Page 2, delete lines 21 through 28.

and when so amended that said bill do pass.

(Reference is to SB 300 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 1.

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